

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 97-464-W/S - ORDER NO. 98-237  
MARCH 30, 1998

IN RE: Mark W. Erwin, Riverhills,	)	ORDER
and other Lake Wylie Consumers,	)	DENYING
Complainants,	)	PETITION FOR
	)	RECONSIDERATION
vs.	)	
	)	
Carolina Water Service, Inc.,	)	
	)	
Respondent.	)	
	)	

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This matter comes before the Public Service Commission of South Carolina ("the Commission") on the Petition for Reconsideration filed by the Consumer Advocate for the State of South Carolina ("the Consumer Advocate"). By its Petition, the Consumer Advocate requests that the Commission reconsider Order No. 98-179 (dated March 6, 1998) in which the Commission denied the Consumer Advocate's Petition to Intervene in the above-referenced proceeding.

The above-referenced Docket was instituted by the filing of a complaint by the Complainant, Mark W. Erwin, regarding the application of impact fees by the Respondent, Carolina Water Service, Inc. ("CWS"). Thereafter, the Commission combined Mr. Erwin's complaint with the joint complaint of seven organizations which filed a complaint challenging the quality of water and rates charged to those organizations by CWS under a bulk water agreement with York County. The

Commission had previously approved the bulk water agreement between York County and CWS.

By Order No. 98-179, the Commission denied the Petition to Intervene of the Consumer Advocate. In denying the Consumer Advocate's Petition to Intervene, the Commission stated that "the instant proceeding is in response to complaints from customers in the Lake Wylie service area." Order No. 98-179 at 2. The Commission further stated that the parties to the proceeding "are the complainants, who are customers of CWS in the Lake Wylie service area; CWS, the respondent; and the Commission Staff." Order No. 98-179 at 2.

In support of his Petition for Reconsideration, the Consumer Advocate asserts in a response that he has "participated in such [complaint] proceedings before..." Consumer Advocate's Response to Return of Respondent at 2-3. The Consumer Advocate also expresses a concern that the "scope of the proceeding is such that it will examine the rates of all customers of Carolina Water Service in the Lake Wylie area, not just the rates of certain individuals." Petition for Reconsideration of Consumer Advocate at 2.

Upon examination of the Petition of the Consumer Advocate, and the responses filed by CWS and the Consumer Advocate, the Commission finds no reason to grant reconsideration of Order 98-179. The Commission's Regulation governing the filing of complaints is found in 26 S.C. Code Regs. 103-835 (1976) which provides that "any person complaining of anything done or omitted to be done by any person under the statutory jurisdiction of the Commission in contravention of any statute, rule, regulation or order ... may file a written complaint with the Commission." While the Commission's

regulation does not provide for a party intervening in a complaint proceeding, the Commission's regulation does provides for joinder of two or more complaints concerning the same subject or set of facts or for joinder of two or more complainants if the causes of each complainant are against the same defendant and involve substantially the same subject or set of facts. See, 26 S.C. Code Regs. 103-835(C) (1976). The Consumer Advocate does not allege any complaint against CWS which would allow for joinder of the Consumer Advocate as a party.

Furthermore, should the Commission take action in the instant proceeding which the Consumer Advocate should feel is detrimental or contrary to the interests of other CWS customers than those involved in the instant proceeding, the Consumer Advocate can at that time institute whatever action he deems appropriate.

IT IS THEREFORE ORDERED THAT:

1. The Petition for Reconsideration of Order No. 98-179 filed by the Consumer Advocate is denied.


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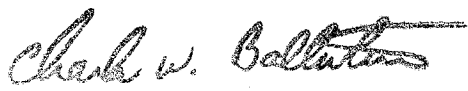
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2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)